

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELMER RENE HERNANDEZ,

Defendant.

**8:21-CR-175**

**ORDER**

This matter is before the Court for review of the Magistrate Judge's Findings and Recommendation, [Filing 66](#), recommending the Court deny Defendant's Motion to Suppress, [Filing 42](#). Neither the government nor the defendant has objected to the Findings and Recommendation, and more than fourteen days have passed since it was filed on February 22, 2022.

28 U.S.C. § 636(b)(1) requires de novo review "only when a party objected to the magistrate's findings and recommendations." *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609, 619-20 (8th Cir. 2009) (quoting *Peretz v. United States*, 501 U.S. 923, 939 (1991)). "[T]he failure to file objections eliminates not only the need for de novo review, but any review by the district court." *Id.* at 620. Furthermore, the Magistrate Judge advised the parties, pursuant to NECrimR [59.2](#), that any objection must be filed within fourteen days and "[f]ailure to timely object may constitute a waiver of any such objection." [Filing 66 at 8](#). Because no party has objected, any objections are waived. Accordingly,

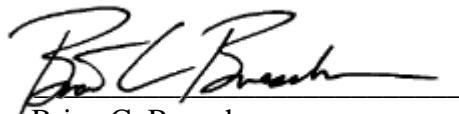
IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation, [Filing 66](#), is adopted;
2. Defendant's Motion to Suppress, [Filing 42](#), is denied; and

3. The Clerk of Court shall terminate the pending motions at [Filing 42](#) and [Filing 66](#).

Dated this 18th day of March, 2022.

BY THE COURT:



Brian C. Buescher  
United States District Judge